

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA     )  
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                        )  
PLAINTIFF,                 )  
                        )  
                        )  
V.                         )  
                        )  
                        )  
                        )      Case No. 05-CV-11818-RWZ  
TERRENCE J. JOYCE,         )      USAO No. 2005Z00350/001  
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DEFENDANT,                 )  
                        )  
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DEFENDANT'S MOTION TO STRIKE CERTIFICATE OF INDEBTEDNESS AND TO  
DISMISS FOR FAILURE TO SHOW A VIABLE CAUSE

The defendant, Terrence J. Joyce, hereby requests that the United States District Court for the District of Massachusetts strike from the record the Certificate of Indebtedness attached with the complaint and dismiss this case in its entirety for the following reasons:

- 1) The Certificate of Indebtedness is not an official legal document or Certificate pursuant to 28 U.S.C. 1746. The letter is illegibly signed, is not dated appropriately, and therefore, is not admissible as an authentic legal document in these proceedings or any other.

- 2) The Certificate of Indebtedness provides inaccurate and misleading information regarding the defendant's history and character and an alleged student loan owed to the United States which is irrelevant to the complaint itself. The plaintiff should be required to produce each and every authentic document referenced in this letter prior to allowing such a document to be entered as evidence in these proceedings.
- 3) The defendant did not leave Dartmouth Medical College in January of 2002, as the Certificate alleges. This is one of many inaccurate facts referenced hereto in this Certificate.
- 4) The Certificate attempts to establish a history of "Lack of Cooperation" with the Department of Health and Human Services which is simply untrue, misleading (page 2, paragraph 6.), and potentially damaging to the defendant's character. Such misleading, direct statements regarding the defendant's character or behavior should not be admissible as evidence in these proceedings.
- 5) Prior to commencement of this litigation, the defendant responded by phone to notice given by the Department of Health and Human Services. The Department never produced a copy of the original promissory note contract which was requested by the defendant and is required by Federal law. The defendant should not be held legally responsible should

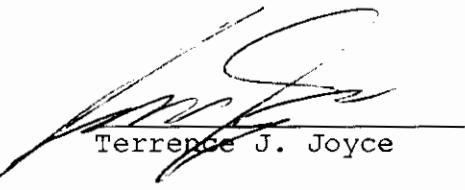
such contract not exist, or should the department fail to maintain such a record.

- 6) The letter makes alleged statements and reference to proceedings in the United States Bankruptcy Court. Such direct or indirect reference to such proceedings should not be admissible in these proceedings.
- 7) The plaintiff failed to serve the defendant with a copy of the original student loan promissory note with the complaint. As such, there is no written or verbal contract existing between the defendant and the United States regarding an alleged student loan. Since there is absolutely no legal validity to the claim of a legal contract of indebtedness, the court should dismiss this case in its entirety.

For all of the above reasons referenced hereto, the defendant requests that the court strike the Certificate of Indebtedness from the record and dismiss this case in its entirety for failure to show a viable cause.

Respectfully Submitted,

Terrence J. Joyce



Terrence J. Joyce

Dated: November 2, 2005

CERTIFICATE OF SERVICE

I, Terrence J. Joyce, hereby certify that a copy of the foregoing document has been served, pro se, via certified United States mail, postage prepaid on the 2 day of November, 2005 upon the following parties:

United States of America  
1 Courthouse Way, Suite 9200  
Boston, Mass. 02210

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA         )  
                        )  
                        )  
PLAINTIFF,                 )  
                        )  
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V.                         )  
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                        )                      Case No. 05-CV-11818-RWZ  
TERRENCE J. JOYCE,             )                      USAO No. 2005Z00350/001  
                        )  
                        )  
DEFENDANT,                 )  
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DEFENDANT'S REQUEST FOR HEARING

Pursuant to the Defendant's Motion to Strike the Certificate of Indebtedness and Dismiss for Failure to Show a Viable Cause, the defendant, Terrence J. Joyce, respectfully requests a hearing before the District Court in support of his motion.

Respectfully Submitted,

Terrence J. Joyce



Terrence J. Joyce

Dated: November 2, 2005

CERTIFICATE OF SERVICE

I, Terrence J. Joyce, hereby certify that a copy of the foregoing notice has been served, pro se, via certified United States mail, postage prepaid on the 12 day of November, 2005 upon the following parties:

United States of America  
1 Courthouse Way, Suite 9200  
Boston, Mass. 02210

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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V.                     )  
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TERRENCE J. JOYCE,     )  
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DEFENDANT,             )  
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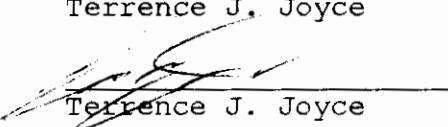
Case No. 05-11818RWZ

DEFENDANT'S DEMAND FOR A TRIAL BY JURY

The defendant, Terrence J. Joyce, hereby demands that the United States District Court for the District of Massachusetts allow a trial by jury should these proceedings be irresolvable and proceed to trial. The defendant also reserves the right to transfer this case to the Worcester Federal Court for trial or for pre-trial conferencing.

Respectfully submitted,

Terrence J. Joyce

  
Terrence J. Joyce

Dated: November 2, 2005

CERTIFICATE OF SERVICE

I, Terrence J. Joyce, hereby certify that a copy of the foregoing document has been served, pro se, via certified United States mail, postage prepaid on the 2 day of November, 2005 upon the following parties:

United States of America  
1 Courthouse Way, Suite 9200  
Boston, Mass. 02210